

WELFARE AND INSTITUTIONS CODE

§ 9343. Staffing by department of aging; gerontological training and direction; exchange program; special jointly funded positions

The committee shall be staffed by the Department of Aging. The Department of Aging shall provide for gerontological training to members of the interdepartmental committee and provide direction to the committee based on the department's perceptions of priority and need for California's older people.

The Department of Aging shall also develop a staff exchange program to educate personnel involved in planning, implementation or evaluation of programs and services for older persons. The Legislature hereby recommends the creation of special jointly funded positions between the Department of Aging and member departments in order to establish expertise in program planning, implementation and evaluation and to encourage sensitivity to the needs of older persons.

(Added by Stats.1980, c. 912, p. 2905, § 10.)

CHAPTER 4.3. AREA AGENCIES ON AGING

Sec.

9350. Legislative declaration.

9351. Duties and powers.

9352. Additional duties and powers.

9353. Director; staff.

Chapter 4.3 was added by Stats.1980, c. 912, p. 2905, § 11.

§ 9350. Legislative declaration

The Legislature hereby declares and recognizes the area agencies on aging to be the local unit on aging.

(Added by Stats.1980, c. 912, p. 2905, § 11.)

§ 9351. Duties and powers

The duties and powers of the area agencies on aging shall be to:

- (a) Represent older persons within the planning and service area;
- (b) Assist older persons in obtaining the rights, benefits and entitlements currently available under the law;
- (c) Identify special needs or barriers to maintaining personal independence;
- (d) Ensure that community services within the planning and service area consider the needs of the older population by educating and actively encouraging older people to become involved in the development of other agency plans that affect older people;
- (e) Conduct public hearings on the needs of older persons;
- (f) Coordinate activities in support of the statewide long-term care ombudsman program; and
- (g) Represent the interests of older persons to public officials, public and private agencies or organizations.

(Added by Stats.1980, c. 912, p. 2905, § 11.)

§ 9352. Additional duties and powers

Also, the duties and powers of the area agencies on aging shall be to:

- (a) Develop and administer an area plan for a comprehensive and coordinated service delivery system in the planning and service area;
- (b) Ensure that the area plan contributes to and is reflected in the State Plan on Aging;
- (c) Encourage and provide opportunities for public input by:
 - (1) Holding public hearings on the area plans and on problems and needs of older persons in conjunction with the area agency advisory councils;

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INTERDEPARTMENTAL COMMITTEE ON AGING

gerontological training and direction; exchange program;

Stats.1980, c. 912, p. 2904, § 10.

Stats.1982, c. 1453, p. —, § 44. See note 1800.

The Interdepartmental Committee on Aging shall work toward providing services and comprehensive and coordinated service system.

Its who sponsor, administer or participate in, shall be members of the California Interde-

ing shall:

Aging;

persons in California;

development of uniform data collection on

and implemented as mandated by Chapter 3 (adding with Section 9300);

plans for older persons, and develop policies individual efforts of member departments;

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(2) Establish communication linkages with the local media to inform the public on an ongoing basis of available services and opportunities to contribute to the planning and implementation of those services;

(d) Assess the need for services within the planning and service area and determine the effectiveness of existing services in meeting the needs of older persons;

(e) Take advantage of opportunities to educate and inform the public in general of the needs of older persons;

(f) Promote case management whenever possible, as a system to respond to those older persons needing special help with personal, social or economic needs;

(g) Designate an interagency committee on aging composed of local public agencies, such as health systems agencies and health and transportation agencies, private service providers and senior organizations in order to improve the coordination of services to older persons;

(h) Review and comment on area plans prepared by other agencies that may affect older persons;

(i) Provide information to the department on special needs, experiences and programs within the planning and service area;

(j) Receive information from the department regarding legislation, regulation and policy direction; and

(k) Coordinate and assist local public and nonprofit private agencies in the planning and development of programs to establish an areawide network of comprehensive, coordinated services and opportunities for older persons.

(Added by Stats.1980, c. 912, p. 2905, § 11.)

§ 9353. Director; staff

The area agencies on aging shall:

(a) Be headed by a full-time director;

(b) Request other staff in the area plan, subject to the approval of the Department of Aging; and

(c) Have a staffing level sufficient to carry out its powers and duties as required.

(Added by Stats.1980, c. 912, p. 2906, § 11.)

CHAPTER 4.4. AREA AGENCY ON AGING ADVISORY COUNCIL

Sec.

9360. Legislative declaration.

9361. Duties and powers.

9361.5. Nonpartisan advisory council.

9362. Staff assistance; reimbursement for expenses; specialized training.

9363. Annual report.

9364. Bylaws; membership; terms; meetings; appointments; composition requirements.

9365. Advisory council as advocate for older persons.

Chapter 4.4 was added by Stats.1980, c. 912, p. 2906, § 12.

§ 9360. Legislative declaration

The Legislature hereby declares and recognizes each area agency on aging advisory council as a principal advocate body on behalf of older persons within a planning and service area.

(Added by Stats.1980, c. 912, p. 2906, § 12.)

§ 9361. Duties and powers

The duties and powers of each area agency on aging advisory council shall be to:

(1) Serve as adviser to the area agency on aging;

(2) Act as an independent advocate for older persons, taking positions on matters pertaining to federal, state and local policies, programs and procedures, and any legislation affecting older persons;

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- (5) The advisory council membership shall be appointed through a process designated by the local governing bodies in the planning and service area within which the area agency on aging operates.
- (6) Membership shall be composed of:
- (a) A majority of persons 60 years of age or older.
 - (b) Service providers.
 - (c) Members who reflect the geographic, racial, economic, and social complexion of the planning and service area they represent.
 - (d) At least one member who represents the interests of the disabled.
- (7) The advisory council composition requirements shall be complied with as vacancies occur.
- (Added by Stats.1980, c. 912, p. 2907, § 12.)

§ 9365. Advisory council as advocate for older persons

Nothing in this act shall be construed as limiting in any way the ability of each advisory council to serve as an advocate for all older persons.

(Added by Stats.1980, c. 912, p. 2908, § 12.)

CHAPTER 5. PILOT MULTIPURPOSE SENIOR SERVICES PROJECTS

Article	Section
1. Legislative Intent and Definitions	9400
2. Administration	9401 to 9407

Chapter 5 was added by Stats.1977, c. 1199, p. 3986, § 8.
Former Chapter 5, Multipurpose Senior Centers, added by Stats.1976, c. 1350, p. 6160, § 4, and repealed by Stats.1977, c. 1199, p. 3986, § 7.

ARTICLE 1. LEGISLATIVE INTENT AND DEFINITIONS

- Sec. 9400. Pilot projects; establishment; purpose.
- 9401 to 9403. Repealed.
9405. Agency.
9406. Older person.
9407. Multipurpose senior services.

Article 1 was added by Stats.1977, c. 1199, p. 3986, § 8.

§ 9400. Pilot projects; establishment; purpose

The purpose of this chapter is to establish pilot projects which would develop information about effective methods:

- (a) To prevent premature disengagement of older persons from their indigenous communities and subsequent commitment to institutions.
- (b) To provide optimum accessibility of various important community social and health resources available to assist active older persons maintain independent living.
- (c) To provide that the "at risk" moderately impaired or frail older person who has the capacity to remain in an independent living situation has access to the appropriate social and health services without which independent living would not be possible.
- (d) To provide the most efficient and effective use of public funds in the delivery of these social and health services.

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SENIOR SERVICES PROJECTS

Section
9400
9410

1977, c. 1199, p. 3986, § 8.

ded. b. Stats. 1976, c. 1350, p. 6160, § 3, was amended by Stats. 1977, c. 1199, p. 3986, § 7.

§§ 9400 to 9403: Article 2. Administration, comprising §§ 9425, 9426; Article 3. Qualifications, comprising §§ 9450 to 9454; and Article 4. Fiscal Provisions, comprising §§ 9475 to 9478.

NT AND DEFINITIONS

1199, p. 3986, § 8.

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§ 9407

(e) To coordinate, integrate, and link these social and health services including county social services by removing obstacles which impede or limit improvements in delivery of these services.

(f) To allow the state substantial flexibility in organizing or administering the delivery of social and health services to its senior citizens.

(Added by Stats. 1977, c. 1199, p. 3986, § 8.)

Section 48 of Stats. 1962, c. 1453, p. —, provided: "In accordance with Section 2176 of the federal Omnibus Budget Reconciliation Act of 1981, (P.L. 97-35), the Health and Welfare Agency shall develop a waiver proposal to be submitted to the United States Department of Health and Human Services in order to permit the provision of home and community based services pursuant to Chapter 5 (commencing with Section 9400) of Division 8.5 of the Welfare and Institutions Code.

"The Multipurpose Senior Service project, which would have been repealed on June 30, 1983, except for the deletion of this date pursuant to Section 45 of this act, shall continue to serve clients determined to be eligible under Section 2176 of P.L. 97-35. These clients shall be certified or certifiable for placement in a skilled

nursing facility. Individual Multipurpose Senior Service project sites shall be allowed to continue in modified form if the individual project site demonstrates cost-effectiveness. The transition from project to program status shall include cooperative efforts between the Health and Welfare Agency and the Department of Aging in concert with other affected departments."

Derivation: Former § 9400, added by Stats. 1976, c. 1350, p. 6160, § 3.

Library References

Social Security & Public Welfare — 0.5.
C.J.S. Social Security and Public Welfare § 1.
C.J.S. Paupers § 17.

§§ 9401 to 9403. Repealed by Stats. 1977, c. 1199, p. 3986, § 7.

The repealed sections, added by Stats. 1976, c. 1350, p. 6160, § 3, defined "agency", "older person" and "center". See, now, §§ 9405, 9406.

§ 9405. Agency

"Agency" means the Health and Welfare Agency.

(Added by Stats. 1977, c. 1199, p. 3987, § 8.)

Derivation: Former § 9401, added by Stats. 1976, c. 1350, p. 6160, § 3.

§ 9406. Older person

"Older person" means a person of age 65 years or older.

(Added by Stats. 1977, c. 1199, p. 3987, § 8. Amended by Stats. 1980, c. 665, p. 1856, § 2, urgency, eff. July 20, 1980.)

1980 Amendment. Raised the age from 60 to 65 years.

Derivation: Former § 9402, added by Stats. 1976, c. 1350, p. 6160, § 3.

§ 9407. Multipurpose senior services

"Multipurpose senior services" means a coordinated, integrated system of delivery of the following social and health services designed for older persons: recreation services, educational services, senior center programs, information and referral services, transportation, income maintenance counseling, housing services, outreach services, volunteer programs, employment services, legal services, home repair services, escort services, telephone reassurance services, friendly visiting services, health screening services, psychological screening services, nutrition services, home health services, preventive health services, mental health services, homemaker chore services, portable meals, day care services, adult day health care services, nonmedical respite care services, night services, intermediate care, skilled nursing care, acute hospital care, and hospice care.

(Added by Stats. 1977, c. 1199, p. 3987, § 8. Amended by Stats. 1978, c. 800, p. 2573, § 1, urgency, eff. Sept. 18, 1978.)

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§ 9410

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ARTICLE 2. ADMINISTRATION

Sec.

- 9410. Health and welfare agency; powers of head of department; waiver of regulations and policies; designation of department to implement chapter.
- 9411. Formulation of criteria for pilot projects; evaluation; inclusions.
- 9412. Duties of agency.
- 9413. Legislative intent; evaluation pilot project report.
- 9425, 9426. Repealed.
- 9450 to 9454. Repealed.
- 9475 to 9478. Repealed.

Article 2 was added by Stats.1977, c. 1199, p. 3987, § 8.

§ 9410. Health and welfare agency; powers of head of department; waiver of regulations and policies; designation of department to implement chapter

The provisions of this chapter shall be administered by the Health and Welfare Agency. In addition to its other powers, the agency shall have the powers of a head of a department pursuant to Chapter 2 (commencing with Section 11150), Part 1, Division 3, Title 2 of the Government Code.

To the extent permitted by federal law, each department within the agency, including departments designated as single state agencies for the programs described in Section 9407, shall waive regulations and general policies and make resources available which are necessary for the administration of this chapter, upon request of the agency.

The agency may designate a department under its jurisdiction to implement the provisions of this chapter.

(Added by Stats.1977, c. 1199, p. 3987, § 8.)

Derivation: Former § 9425, added by Stats.1976, c. 1199, p. 3987, § 8.

§ 9411. Formulation of criteria for pilot projects; evaluation; inclusions

The agency shall formulate criteria for pilot multipurpose senior services projects. The criteria shall include, but need not be limited to, the following:

- (a) Specifications for a social and health review team to evaluate older persons and to assure that a continuity of social, economic, and health services are provided to maintain such persons at the appropriate level of care.
- (b) Development of social and health services necessary to maintain the older person at the appropriate level of care in the project area.
- (c) Specifications for the quality of the social and health services to be provided.
- (d) Development of a sliding fee schedule.
- (e) Coordination and integration of the social and health services described in Section 9407.
- (f) Access to as many services specified in Section 9407 as possible at the same location in a facility known as a multipurpose senior services center.
- (g) The number of pilot projects shall be consistent with the moneys made available for purposes of this chapter.
- (h) Coordination with local governmental agencies concerned with multipurpose senior services.
- (i) Specifications for the evaluation of the proposal submitted for the pilot projects and for the evaluation of the pilot projects. The evaluation of the pilot projects shall measure the effectiveness and the efficiency of the projects in:
 - (1) Identifying the health and social needs of the older persons and the coordination of the available services required to maintain persons at the appropriate level of care.
 - (2) Assuring that the continuity of social and health services are provided to maintain persons at the appropriate level of care.

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ADMINISTRATION

Department; waiver of regulations and policies;
 Chapter.
 Inclusion; inclusions.

Part.

1977, c. 1199, p. 3987, § 8.

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§ 9412

The evaluation shall include, but not be limited to:

(1) A description of the social and economic characteristics of the older persons served by the projects.

(2) The range of problems presented by the persons served, and the services provided in response to those problems.

(3) A description of those problems best handled by the pilot project and a description of the problems least effectively handled by the pilot project.

(4) The costs of the services required to maintain persons at the appropriate level of care under a continuity of care program compared with the costs of services for persons who have not received services as components of a continuity of care program.

(Added by Stats.1977, c. 1199, p. 3987, § 8. Amended by Stats.1978, c. 800, p. 2573, § 2, urgency, eff. Sept. 18, 1978.)

Derivation: Former § 9426, added by Stats.1976, c. 1350, p. 6160, § 3.

§ 9412. Duties of agency

The agency shall do the following:

(a) Enter into agreements and negotiated contracts with any nonprofit organization or governmental entity to operate the one or more of the selected pilot projects consistent with the criteria adopted pursuant to Section 9411. In letting such contracts, the agency shall not anticipate future appropriations.

(b) Make grants to pilot projects from available funds.

(c) Monitor pilot projects.

(d) Cause the pilot projects to be evaluated in accordance with the established criteria.

(e) Seek and utilize any available federal, state, or private funds which may be available for carrying out the purposes of this chapter.

Notwithstanding any other provision of law, pilot projects established pursuant to this chapter may contract with the Director of the State Department of Health Services as Medi-Cal pilot programs pursuant to Chapter 84 (commencing with Section 14200) of Part 5 of Division 9. Contracts with such pilot projects shall be deemed to be for the purposes specified in Section 14494, and may utilize funds appropriated from the Health Care Deposit Fund pursuant to Section 14157.

(f) Request and secure such waivers of single state agency requirements as are necessary under the Federal Intergovernmental Cooperation Act of 1968 (P.L. 90-577), and such other federal requirements as are necessary in order to utilize available federal funds for the purposes of this chapter.

(g) Assist in coordinating pilot projects with local governmental programs and services for older persons.

(h) Submit to the Legislature and the Governor an initial report on the administration of this chapter by April 30, 1979, and . . . subsequent reports each April 30 . . . thereafter until termination of the project on the administration of this chapter. Such reports shall include a description and evaluation of the pilot projects, characteristics of the persons served, the information required for evaluations under subdivision (i) of Section 9411, and recommendations for administrative and legislative changes.

(Added by Stats.1977, c. 1199, p. 3988, § 8. Amended by Stats.1980, c. 665, p. 1856, § 3, urgency, eff. July 20, 1980.)

142 U.S.C.A. § 4201 et seq.

1980 Amendment. Inserted the paragraph following subd. (e) relating to Medi-Cal pilot programs; and sub-

stituted in subd. (h) "subsequent reports each April 30 thereafter until termination of the project" for "a second report by April 30, 1980".

Asterisks . . . indicate deletions by amendment

§ 9413

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§ 9413. Legislative intent; evaluation pilot project report

* * * It is the intent of the Legislature to evaluate the * * * reports submitted pursuant to subdivision (h) of Section 9412 to determine whether pilot projects conducted under this chapter have had sufficient positive impact to warrant their continuation.

(Added by Stats.1977, c. 1199, p. 3989, § 8. Amended by Stats.1980, c. 665, p. 1856, § 4, urgency, eff. July 20, 1980; Stats.1982, c. 1453, p. —, § 45.)

1980 Amendment. Substituted "June 30, 1983" for "January 1, 1981" in two places; and substituted in the second sentence "the reports" for "the second report".

1982 Amendment. Deleted the former first sentence which read: "This chapter shall remain in effect only until June 30, 1983; and on such date is repealed, unless a later enacted statute, which is chaptered before June 30, 1983, deletes or extends such date."; and deleted "In this regard," from the beginning of the section.

§§ 9425, 9426. Repealed by Stats.1977, c. 1199, p. 3986, § 7

The repealed sections, added by Stats.1976, c. 1350, p. 6160, § 3, related to powers of the head of the agency and of the agency generally. See, now, §§ 9410, 9411.

§§ 9450 to 9454. Repealed by Stats.1977, c. 1199, p. 3986, § 7

The repealed sections, added by Stats.1976, c. 1350, p. 6160, § 3, related to the qualifications, programs and

services of the multipurpose senior centers. See, now §§ 9400 to 9413.

Nutrition and volunteer services for senior citizens, see § 9500 et seq.

§§ 9475 to 9478. Repealed by Stats.1977, c. 1199, p. 3986, § 7

The repealed sections, added by Stats.1976, c. 1350, p. 6160, § 3, related to the fiscal provisions for the multipurpose senior centers. See, now, §§ 9400 to 9413.

CHAPTER 6. NUTRITION AND VOLUNTEER SERVICES PROGRAM FOR SENIOR CITIZENS (REPEALED)

Chapter 6, added by Stats.1981, c. 251, p. —, § 1, urgency, eff. July 1, 1981, was repealed under the terms of § 9512, added by c. 251, on July 1, 1982.

§§ 9500 to 9512. Repealed by Stats.1981, c. 251, p. —, § 1, operative July 1, 1982

The repealed section, added by Stats.1981, c. 251, p. —, § 1, providing for the operation of the nutrition and volunteer services program for senior citizens, was repealed under the terms of § 9512, added by c. 251, on July 1, 1982. The repealed sections were derived from §§ 9500 to 9512, added by Stats.1977, c. 1199, pp. 3989 to 3992, § 9; Stats.1980, c. 20, p. 70, § 4 and amended by Stats.1978, c. 800, p. 2574, § 3; Stats.1978, c. 1002, p.

3080, § 1, 2; Stats.1980, c. 20, p. 70, §§ 2, 3, 5; Stats.1980, c. 1292, p. 69, §§ 1, 2.

Former §§ 9500 to 9512, added by Stats.1977, c. 1199, pp. 3989 to 3992, § 9; Stats.1980, c. 20, p. 70, § 4, amended by Stats.1978, c. 800, p. 2574, § 3; Stats.1978, c. 1002, p. 3080, §§ 1, 2; Stats.1980, c. 20, p. 70, §§ 2, 3, 5; Stats.1980, c. 1292, p. 69, §§ 1, 2, relating to similar subject matter, was repealed under the terms of former § 9512 on July 1, 1981.

CHAPTER 7. SENIOR COMPANION PROGRAM

Sec.

9520. Legislative finding and declaration.

9521. Legislative intent.

9522. Memorandum of agreement; administration of program.

9523. "Senior companions"; eligibility; transportation expenses; meals; benefits; time of participation.

9524. Adults eligible for services.

9525. Assignment of senior companions.

Underline indicates changes or additions by amendment

30-051 GENERAL (Continued)**30-051****.2 Goals**

- .21 This service program, because of its special, generalized characteristics, shall be considered to be serving goals I, II, III, IV, V designated in 30-001.21.
- .22 Services activities provided to an individual under this service program may be directed at any goals designated in 30-001.21. Such goals need not be specified.

30-052 SPECIAL DEFINITIONS**30-052**

- .1 "Health-related transportation" means taking a Medi-Cal beneficiary to and from a provider of health care services which are within the scope of benefits of the Medi-Cal program.
- .2 "Urgent need" means a medical condition for which prompt medical treatment is required to avoid permanent injury or severe pain.

30-053 SPECIAL PROGRAM CHARACTERISTIC**30-053**

The intent of this service program is to provide immediate, short-term response to needs for information and referral in connection with human service resources. All other considerations shall be subordinate to that intent. Therefore:

- .1 Services under this program may be provided to individuals without requiring a formal application, developing a service plan, specifying a goal and maintaining an individual client record.

EXCEPTION: A SOC 295 form, or an approved CWD equivalent, shall be completed before health-related transportation is provided to any eligible person. The form may be completed through either personal or telephone contact.

- .2 Recipients with needs, identified during the brief information and referral episode which require more extensive involvement shall be given the opportunity to apply for the services of another more appropriate service program.

30-054 PERSONS SERVED**30-054****.1 Eligibility.**

All persons, regardless of income or status, are eligible to receive services under this program.

EXCEPTION: Only currently eligible and certified Medi-Cal beneficiaries are eligible for the health-related transportation component of this program.

.2 Need for service.

Any person who requests information and/or referral services shall be considered to be in need of those services.

CHAPTER 30-050 SERVICE PROGRAM NO. 1: INFORMATION AND REFERRAL SERVICES

30-051 GENERAL

30-051

- .1 Information and referral services means those activities by social service staff to:
- .11 Enable persons to have current and accurate knowledge about the available public and private resources established to help alleviate socio-health problems.
 - .12 Provide short-term help to enable persons to identify and gain access to resources appropriate to their needs.
 - .13 Provide beneficiaries under the California Medical Assistance Program (Medi-Cal) with health-related transportation to meet an urgent need as specified in Welfare and Institutions Code 13004.
- .113 *Welfare and Institution Code 13004 states: The transportation services shall be maintained at least at the level provided by counties as part of health-related services as provided for in the Welfare and Institutions Code Section 12251 on September 30, 1981.*
- a. *Welfare and Institutions Code Section 12251 stated as of September 30, 1981, in part: the term "social services" includes health-related services and transportation services as such services are defined in order to secure maximum federal financial participation.*